

Doc Code: AP PRE REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		Boer 8-28-6-6	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents P O Box 1450 Alexandria VA 22313-1450" [37 CFR 1.8(a)] on _____ Signature _____ Typed or printed name _____	Application Number	Filed	
	10/672,657	9/26/03	
	First Named Inventor		
	Boer et al.		
	Art Unit	Examiner	
	2616	P. Sinkantarakorn	
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the			
<input type="checkbox"/>	applicant/inventor		
<input type="checkbox"/>	assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/98)		
<input checked="" type="checkbox"/>	attorney or agent of record Registration number 36,597		
<input type="checkbox"/>	attorney or agent acting under 37 CFR 1.34 Registration number if acting under 37 CFR 1.34 _____		
		/Kevin M. Mason/ Signature	
		Kevin M. Mason Typed or printed name	
		(203) 255-6560 Telephone number	
		April 21, 2008 Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input type="checkbox"/> *Total of _____ forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P O Box 1450, Alexandria, VA 22313-1450

If you need assistance in completing the form call 1-800-PTO-9199 and select option 2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

5 Applicant(s): Boer et al
Case: 8-28-6-6
Serial No : 10/672,657
Filing Date: September 26, 2003
Group: 2616
10 Examiner: Pawaris Sinkantarakorn

Title: Method and Apparatus for Detecting a Collision in a Carrier Sense Multiple
Access Wireless System

15

MEMORANDUM IN SUPPORT OF
PRE-APPEAL BRIEF REQUEST FOR REVIEW

20

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

25

Sir:

30 The present invention and prior art have been summarized in Applicants' prior
responses.

STATEMENT OF GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The present application was filed on September 26, 2003 with claims 1 through
23. Claims 1-10 and 18-23 are presently pending in the above-identified patent application
Claim 1 is proposed to be amended herein. Claims 1, 5-6, 8-10, 11, 15 and 16 are rejected under
35 35 U.S.C. §102(b) as being anticipated by Wang et al (United States Patent No 5,721,733),
claims 2, 7, 12, 17, 18, and 20-23 are rejected under 35 U.S.C. §103(a) as being unpatentable
over Wales in view of Currivan et al. (United States Patent Application Publication Number

2003/0026283), and claims 3, 4, 13, 14, and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Wang in view of Currivan et al. as applied to claims 1, 2, 11, 12 and 18 above, and further in view of Fukuhara (United States Patent Number 6,643,296).

5

ARGUMENTS

Independent Claims 1, 11 and 18

Independent claims 1 and 11 were rejected under 35 U.S.C. §102(b) as being anticipated by Wales, and claim 18 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wales in view of Currivan. Regarding claim 18, the Examiner acknowledges that Wales
10 does not disclose that the collision detector evaluates an energy level and detects a collision based on the energy level. The Examiner asserts, however, that Currivan et al. discloses a collision detection module that evaluates a power indication signal (citing par. 0072), and detects a collision *based on the evaluated power indication signal* (citing par. 75 and Table 1). In the
15 Advisory Action, the Examiner asserts that Currivan discloses that a comparator receives a SNR indication signal and a threshold signal having a threshold value T2, then the comparator compares these inputs and generates an output signal 459 that indicates the result of this comparison (paragraph 74) and that a collision is detected when the output signal 459, which indicates the average SNR of a burst transmission, is low.

Applicants note that independent claim 11 has been cancelled and independent
20 claim 1 has been amended to conform it to the scope of original claim 18.

First, to be precise claim 18 and claim 1 do not merely require “detect(ing) a collision based on the evaluated power indication signal,” as suggested by the Examiner. Rather, claim 18 and claim 1, as amended, require “detect(ing) a collision of said acknowledgement message *if a measured energy level exceeds a predefined threshold.*”

25

In par. 0076 of Currivan et al., it is clear that output signal 457 indicates the power of the data portion of a burst transmission. In Table 1, it is clear that output signal 457 does **not** correlate with whether a collision is detected. In fact, a collision can be detected if the output signal 457 is high (second row), medium (fourth row), low (sixth row) or high (seventh

row). Thus, a collision is not detected in Currivan et al. “*if a measured energy level exceeds a predefined threshold*,” as required by independent claims 1 and 18, as amended.

Regarding the Examiner’s assertion that Currivan discloses that a collision is detected when the output signal 459 indicates the average SNR of a burst transmission is low, Applicants note that a SNR is a *signal-to-noise ratio* and is *not* a measured energy level (i.e., not a measured level of energy), as would be apparent to a person of ordinary skill in the art.

Thus, Wales, Currivan, and Fukuhara, alone or in combination, do not disclose or suggest a collision detector that monitors a wireless medium for collisions of said acknowledgement message *if a measured energy level exceeds a predefined threshold*

10 Dependent Claims 2-10 and 19-23

Dependent claims 5, 6, and 8-10 were rejected under 35 U.S.C. §102(b) as being anticipated by Wales, claims 2, 7, and 20-23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wales in view of Currivan, and claims 3, 4, and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wales in view of Currivan and further in view of
15 Fukuhara.

Claims 2-10 and 19-23 are dependent on claims 1 and 18, respectively, and are therefore patentably distinguished over Wales, Currivan, and Fukuhara, alone or in combination, because of their dependency from independent claims 1 and 18 for the reasons set forth above, as well as other elements these claims add in combination to their base claim.

20 All of the pending claims, i.e., claims 1-10 and 18-23, are in condition for allowance and such favorable action is earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is appreciated

Respectfully submitted,

/Kevin M. Mason/

5 Date: April 21, 2008

Kevin M. Mason
Attorney for Applicants
Reg. No. 36,597
Ryan, Mason & Lewis, LLP
1300 Post Road, Suite 205
Fairfield, CT 06824
10 (203) 255-6560